

**TOWN OF DAVIE  
REGULAR MEETING  
JANUARY 5, 2005  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Paul and Councilmembers Hubert, Crowley and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Representative Susan Goldstein thanked constituents for their vote and spoke of upcoming issues for the legislature.

Savy Matthew spoke of the need for relief efforts for the South Indian community in response to the devastating tsunami that affected the Indo-Asian region of the world. Vice-Mayor Paul presented a check to Mr. Matthew toward tsunami relief efforts.

Dean Alexander 13820 SW 16 Street, spoke of the need for defibrillators in various Town facilities. Mayor Truex asked Mr. Kovanes to have staff work with Mr. Alexander on this issue.

Vice-Mayor Paul presented a check for the District 1 Humanitarian Fund and read a letter from the Miami Dolphins acknowledging and thanking Councilmember Hubert's humanitarian efforts and dedication.

Mayor Truex advised that staff requested that items 4.10 and 4.20 be withdrawn.

Councilmember Hubert asked that Palma Nova be included in the after-school care and summer camp program being provided by Children Services Council.

Redevelopment Administrator Will Allen advised that these areas were not within the Community Redevelopment Agency's area but the language stated that any resident on the east side could take advantage of the program. He stated that this would be included in the three revised agreements for Children Services Council.

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

4.1. November 16, 2004 (Workshop Meeting)

*Proclamation*

4.2. Dick & Barbara McCall Day (January 19, 2005)

*Home Occupational Licenses*

4.3. Complete Water System, Inc., 2961 SW 111 Terrace

4.4. Integrated Rehab PA, 2180 SW 115 Terrace

4.5. S.P. Food, Inc. d/b/a Burger King, 8847 and 11633, 14100 SW 33 Court

4.6. Survivor Depot, Inc., 3450 SW 116 Avenue

4.7. Tri County Salt & Service, 2961 SW 111 Terrace

4.8. All Star Dings & Dents Paint & Body Repair, 14601 SW 17 Court

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*Parade Permit*

- 4.9. Pediatric Brain Tumor Foundation (February 20, 2005)

*Resolutions*

- 4.10. **FINANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF WACHOVIA BANK, N.A. TO PROVIDE BANK QUALIFIED FINANCING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH FINANCING. (\$20,000) (tabled from December 15, 2004)
- R-2005-1 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND RICHARD S. RUBIN, INC. TO REPRESENT THE TOWN OF DAVIE FOR OBTAINING MONETARY GRANT AWARDS FOR THE PURCHASE OF THE SUNNY LAKES PARCEL. (tabled from December 15, 2004)
- R-2005-2 4.12. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DAVIE POLICE ATHLETIC LEAGUE INC. FOR CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK (up to \$12,000 revenue for one year of service)
- R-2005-3 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR ATHLETIC EQUIPMENT. (\$68,000)
- R-2005-4 4.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SEWER SLUDGE HAULING SERVICES. (H & H Liquid Sludge Disposal, Inc. - \$130,783.60)
- R-2005-5 4.15. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO WAIVE OFF-SITE IMPROVEMENTS REQUIRED BY DEVELOPERS AGREEMENT (DA 8-1-03) AND "FLAMINGO PLAT" (P 6-1-01), AGREEING TO CONTRIBUTE ELEVEN THOUSAND DOLLARS (\$11,000) TOWARDS IN NEW TRAFFIC LIGHTS ON ORANGE DRIVE AT THE GRIFFIN BRIDGE, REDESIGN THE ENTRANCE OF "FLAMINGO PLAT" TO COMPLY WITH THE TOWNS DESIGN OF ORANGE DRIVE, AND PROVIDING AN EFFECTIVE DATE. (DG 8-1-04, Flamingo Plat, 12901 Orange Drive)
- R-2005-6 4.16. **TRAFFIC AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN ARCHSTONE MARINA BAY AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- R-2005-7 4.17. **TRAFFIC AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN NOVA VILLAGE HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

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- 4.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2005-8 THE EXECUTION OF THE FLORIDA COMMUNITIES TRUST GRANT CONTRACT IN PARTNERSHIP WITH BROWARD COUNTY AND THE CITY OF WESTON FOR THE VISTA VIEW REGIONAL PARK EXPANSION.
- 4.19. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-9 BID FROM MEDTRONIC EMERGENCY RESPONSE SYSTEMS TO PURCHASE LIFEPAK 12 EKG MONITOR/DEFIBRILLATORS WITH 12 LEAD EKG TRACING, CARDIAC PACING, PULSE OXIMETRY AND END TITAL CO2 MONITORING, NONINVASIVE BLOOD PRESSURE MONITORING AND INTEROPERABLE COMMUNICATIONS, AED's AND, ASSOCIATED EQUIPMENT AS A SINGLE SOURCE PROVIDER. (Medtronic Emergency Response Systems - \$333,517.40)
- 4.20. **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXEMPTION FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDING FOR THE CHILDREN SERVICES COUNCIL PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.21. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-10 AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE FUNDING OF BICYCLE RACKS ON SHUTTLE BUSES OPERATED BY THE SOUTH FLORIDA EDUCATION CENTER.
- 4.22. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-11 AUTHORIZING THE MAYOR TO EXECUTE THE SUBAGREEMENT TO JOINT PARTICIPATION AGREEMENT WITH THE SOUTH FLORIDA EDUCATION CENTER FOR THE PURCHASE, INSTALLATION AND MARKETING OF BICYCLE RACKS ON SHUTTLE BUSES.
- 4.23. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-12 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PINO KAIBA & ASSOCIATES, INC FOR THE CONSTRUCTION OF THE OAKES ROAD FIRE/RESCUE STATION. (\$2,364,268)
- 4.24. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-13 APPROVING THE PLAT KNOWN AS "FLAMINGO ROAD ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-03, Flamingo Road Estates, 1401 South Flamingo Road) *Planning and Zoning Board recommended approval with the codicil that it had to meet Town Code and be approved by the Town and that the applicant voluntarily agrees not to apply for variances for this development in the future*

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#### *Temporary Use Permits*

4.25. TU 9-4-04, Love Jen Fest/Nova Southeastern University, 3301 College Avenue

4.26. TU 9-6-04, Tower Shops/Antique Auto Club of America, 1904 South University Drive

#### *Quasi-Judicial Consent Agenda*

4.27. SP 7-4-03, Flamingo Road Estates, 1401 South Flamingo Road (A-1) *Site Plan Committee recommended approval subject to the planning report; subject to staff researching if it meets Code; subject to the emergency fire lane having pedestrian access up to 127th Avenue; and that the developer offers stables in the backyard or make the purchaser aware that they may have horses and stables in their backyards*

Councilmember Hubert pulled items 4.13, 4.21, and 4.22 from the Consent Agenda. Councilmember Crowley pulled items 4.1, 4.24, and 4.27. Vice-Mayor Paul pulled items 4.24 and 4.8. Mayor Truex pulled item 4.11.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.1, 4.8, 4.11, 4.13, 4.21, 4.22, 4.24, and 4.27. In a voice vote, all voted in favor. (Motion carried 5-0)

## **5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.1 Councilmember Crowley wanted to ensure that staff was scheduling a meeting to move forward with the Broward Everglades Working Group final report. Mr. Kovanes advised that this was the case.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to January 19, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Mayor Truex objected to paying Mr. Rubin until all the contingencies had been met. Mr. Kiar understood that the payment was contingent upon the Town receiving the FCT grant. Vice-Mayor Paul asked when the cycle would end. Mr. Kovanes advised that the cycle would end in June.

Councilmember Starkey felt that Mr. Rubin had gone above and beyond and should be paid. Councilmembers Crowley and Hubert agreed. Mayor Truex felt it did not make sense to pay Mr. Rubin ahead of schedule instead of waiting for the grant to be awarded.

Vice-Mayor Paul spoke of Mr. Rubin's exclusive contract with Southwest Ranches and asked if this re-negotiation would violate that agreement. Councilmember Crowley advised that Mr. Rubin's agreement with Southwest Ranches was to complete the work he was doing for Davie.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.13 Councilmember Hubert questioned the cost of the equipment when the sports programs were costing the Town a lot of money to run. Parks and Recreation Director Dennis Andresky advised that the Town only bought what it needed and explained why the equipment had to be replaced.

Councilmember Hubert suggested that jerseys be recycled. Councilmember Starkey pointed out that the Town's Parks and Recreation Advisory Board subsidized uniforms for children in the sports programs who could not afford them. Councilmember Hubert asked to see the cost of neighboring municipalities to see how Town fees compared to others. She questioned if the Town was lower than

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other municipalities. Mr. Andresky indicated that in most cases, the Town's fees were lower. Vice-Mayor Paul felt this could be addressed in the next budget cycle.

Councilmember Starkey praised the Parks and Recreation Advisory Board and felt they should be admired for their efforts to help the Town's children in the athletic programs represent the Town well with good equipment and uniforms.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.21 and 4.22 Councilmember Hubert requested a disclaimer advising people to use the bicycle racks at their own risk.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, with the disclaimer. In a voice vote, all voted in favor. (Motion carried 5-0)

4.27 Mr. Kiar read the rules of evidence and swore in the witnesses. Deputy Planning and Zoning Manager Marcie Nolan summarized the planning report.

Vice-Mayor Paul asked why Planning and Zoning Board Chair Mike Bender voted against this item. Ms. Nolan advised that the number of units was really maximized on the site which might create future retention problems.

Councilmember Crowley asked about the definition of "net dry" and whether it affected the whole 35,000 square feet. Ms. Nolan advised that the Town's Code stated that if the rain fell and sat no more than three days, this met the definition of net dry. Councilmember Crowley pointed out that in rainy season, three days was a long time for water to sit.

Councilmember Starkey voiced her concern about the public participation meetings on this matter. Ms. Nolan stated that this project was not subject to public participation as that requirement was put in place after this item came forward. Councilmember Starkey felt that the dry retention area portion of the Code needed to be reviewed. She pointed out that the dry retention area at the back of her property was always wet, even in dry seasons, and felt that residents would not be happy with similar conditions.

Mayor Truex asked if the three day period was an engineering standard or if this was in the Code. Ms. Nolan advised that this was in the Code.

Mr. Kiar asked if the applicant agreed not to apply for variances in the future.

Jay Evans, representing the applicant, agreed. Mr. Evans indicated that the developer was in agreement with the stipulations made by the Site Plan Committee and the Planning and Zoning Board.

Councilmember Crowley asked how the developer could accomplish building stables and barns with a dry retention area. Mr. Evans explained that these were offered as an option to homeowners but all houses would have swales necessary to convey the water to the retention area designed as a separate parcel. He pointed out that only the size of the swales was in contention.

Vice-Mayor Paul voiced her concerns about lots with barns, because if the barns were wet, the horses would develop hoof problems and subsequently, the owners would create high areas that would allow additional flooding problems. Councilmember Hubert spoke of the developer's land right use. Vice-Mayor Paul pointed out that it was also Council's right and discretion to request improvements to make a project a better product for Davie residents.

Vice-Mayor Paul distributed and read a list of conditions for approval regarding drainage easements that she wanted to see which were similar to those imposed for Rancho Allegra. She felt these conditions were important as developers of individual custom homes were handled differently and she wanted to ensure Council had control over these conditions.

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Councilmember Starkey advised that she had received numerous complaints from residents about the soggy and muddy conditions at the back of these large lots. Mr. Evans stated the intention was not to create messy conditions.

Mr. Evans questioned how the \$130,000 bond amount was derived. Ms. Nolan indicated it was \$5,000 per unit per lot. Mr. Evans indicated that these terms were acceptable.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey advised that she had spoken with Mr. Evans, Mr. Laystrom and various residents. Vice-Mayor Paul advised that she had spoken with Mr. Laystrom. Mayor Truex advised that he had spoken with some of the applicant's representatives. Councilmember Crowley advised that he had spoken with Mr. Evans.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve.

Councilmember Crowley stated that a change had been made to the plan between lots 6 and 7 since it was approved by the Central Broward Water Control District. Mr. Evans explained the change. Councilmember Crowley asked if the scenic corridor would be off site. Ms. Nolan advised that it ran from the edge of the Flamingo Road right-of-way including the canal. She confirmed that this met the requirements.

Vice-Mayor Paul added that the equestrian and recreation trails would be dedicated trails. Councilmember Crowley stated that the plans indicated that a reservation remained. Mr. Evans indicated that the plan needed to be revised.

Vice-Mayor Paul wanted to stipulate \$10,000 for Town road improvements and she also wanted additional landscaping improvements to the median on Flamingo Road.

Bill Laystrom, representing the applicant, voiced his opposition to Council regularly tacking requirements on at the end of a hearing. He felt this was not fair as his client had no way to cost out the additional improvements requested. Councilmember Starkey pointed out that this development came in under the rural lifestyle initiative. She stated that the only way the Town could apply funds toward scenic corridor improvements was through the developers. Councilmember Starkey felt the scenic corridor justified some of these costs and ultimately benefit the future residents. Mr. Laystrom stated that these requirements should be added to the scenic corridor ordinance rather than Council making improvement requests "off the cuff" at each meeting. Councilmember Starkey pointed out that Council typically asked developers to help make landscape improvements to medians.

Moises Gorin, the developer for the project, offered \$10,000 for landscaping of the scenic corridor, but not an additional \$10,000 for road improvements. Mr. Laystrom offered \$10,000 for the scenic corridor improvements and indicated that if Broward County mandated a non-Davie traffic concurrency item, then the developer would provide an additional \$10,000.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve 4.24, with the conditions as set forth: \$10,000 toward the median and if the county did not do concurrency within the Town of Davie, then the developer would give \$10,000 toward the road improvements. In a voice vote, all voted in favor. (Motion carried 5-0)

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**6. PUBLIC HEARING**

*Ordinance - Second and Final Reading*

- 2005-1 6.1. **REQUESTS FOR EXEMPTIONS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ESTABLISHING A PROCEDURE FOR CONSIDERATION BY THE TOWN COUNCIL OF REQUESTS FOR EXEMPTIONS FROM THE OBLIGATION TO APPROPRIATE AN ANNUAL INCREMENT PAYMENT PURSUANT TO FLORIDA STATUTES SECTION 163.387(1); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading December 15, 2004 - all voted in favor with Vice-Mayor Paul and Councilmember Crowley being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey asked if there was a timeline to start getting information or annual reports. Development Services Director Mark Kutney advised that when each particular district interlocal agreement came, it would include the appropriate timeline. Mr. Kiar confirmed that the timeline was spelled out in the interlocal agreement.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinances - First Reading (Second and Final Reading to be held January 19, 2005)*

- 6.2. **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Oakes Road Fire Rescue Station, 4491 Oakes Road)

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the January 19, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert asked when the fire station would be built. Mr. Kovanes advised that it would be completed in approximately nine months.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENTS FOR BELL SOUTH FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Oakes Road Fire Rescue Station, 4491 Oakes Road)

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the January 19, 2005 meeting.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

#### *Ordinances - First Reading/Quasi Judicial Items (Second and Final Reading to be held January 19, 2005)*

6.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; RESCINDING ORDINANCE NO. 84-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-04, Voigt/Matrix University, LLC., 5250 and 5270 University Drive) (tabled from December 15, 2004) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report.

Mayor Truex asked if this were to be approved, would it be contingent upon the equestrian use on the east side of the property. John Voigt, representing the applicant advised that this was not a part of the application but it would be stipulated that the project would not work without utilizing that parcel for those purposes.

Mr. Voigt spoke of the impact fees and the methodology. Councilmember Starkey voiced her disagreement with the School Board student generation ratios and estimates. She spoke of how difficult it was for the Town to look at ways to accommodate future students.

Councilmember Hubert asked how much the units would be. Mr. Voigt replied approximately \$300,000 and indicated that the developer was agreeable to providing one unit at the 80<sup>th</sup> percentile. He questioned how this could be done without being considered reverse discrimination and without having individuals who did not qualify, trying to purchase the lower priced unit. Councilmember Hubert suggested speaking with Community and Housing Development Director Shirley Taylor-Prakelt. Mr. Kiar pointed out identification of the actual unit should be kept confidential.

Mr. Voigt provided a brief presentation on the conceptual plan for the development. Councilmember Starkey stated that she did not like the straight design and asked if the townhomes could meander a bit.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul indicated that she had spoken with Mr. Voigt and Mr. Laystrom. Councilmember Starkey and Mayor Truex concurred. Councilmember Crowley indicated that he had spoken to almost everyone "in the first two rows."

Mayor Truex stated that although this was a good project, he was not in favor of the project because it was an increase in density and he "was not swayed" by the financial data provided. Vice-Mayor Paul was amused that the tide had turned to where this project was worth more as residential than it was as commercial. Councilmember Starkey stated that she liked the project and felt it held true to the rural lifestyle initiative. Councilmember Crowley voiced his support for the project and hoped there was no entrance to the townhouses on 76th Avenue. Councilmember Hubert indicated that she liked the project, but wished it was more affordable.



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Vice-Mayor Paul indicated that when this item came back for site plan approval, she would ask that the stables be placed in first and that the project be advertised as a horse community. Councilmember Crowley asked if a rezoning was required with the cul-de-sac going into the agricultural area. Mr. Kutney replied in the negative.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

- 6.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO RM-10, RESIDENTIAL MULTIFAMILY MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZB 6-1-04, Triad/Florida Conference Association of Seventh-Day Adventists, northwest corner of NW 74 Avenue and Davie Road Extension) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance on January 19, 2005

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Fernando Leiva summarized the planning report.

Hope Calhoun, representing the applicant, indicated that this would be an affordable housing project.

An unidentified man indicated that the developer had worked with Ms. Taylor-Prakelt and advised that 60% would be priced at \$160,000 to meet the affordability guidelines for the Town. He stated that 20 additional units would be priced between \$184,000 and \$229,000.

Councilmember Hubert indicated that \$160,000 was not affordable and asked that the 12 homes priced at \$160,000 be marketed to Davie residents. The man agreed that this would be part of the marketing plan.

Mr. Kiar opened the public hearing portion of the meeting.

Caridad Rodriguez, 3705 SW 58 Terrace, felt that \$160,000 was not affordable and stated that at this price, people in Palma Nova would be pushed out of Davie.

Kwan Felton, 4278 SW 56 Avenue, stated that he was a product of affordable housing and was now in the military. He felt the community could grow better with more affordable housing and a larger view at what the families brought in versus only looking at how much money developers could make.

Angela Difton, 6150 SW 43 Street, felt there was no affordable housing in Davie and stated it was difficult for lower income married couples to afford homes in Davie. She advised that she had been looking for a home for 6 months.

Jeanette Davis, 2260 SW 56 Avenue, spoke of the difference in housing costs.

Mr. Leiva spoke of the conventional methods for calculating affordable housing which was three times the family income. He pointed out the median income in Davie was higher than in many other municipalities in the County and added affordability was an issue the Town would have to get a better handle on. Mr. Leiva advised that about 47% of the Town's population did not make more than \$57,000 per year. Councilmember Hubert stated that in District 1, many residents did not make more than \$20,000 per year including families of four.

Mr. Kiar closed the public hearing.

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Councilmember Hubert stated that she “had met with all of them.” Councilmember Crowley indicated that he had met with a few representatives. Mayor Truex advised that he had spoken with the applicant.

Mayor Truex felt this project would help some residents, but not those from the lowest income segment of the population. Councilmember Hubert asked if the Town was considering lowering permit fees to help bring down the costs of the housing. Council further discussed waiving some of the fees for development so that the housing prices could be lowered even further.

Councilmember Crowley wanted this issue discussed further with Ms. Taylor-Prakelt as he felt there was a way to get the prices down a little more. Councilmember Starkey was in favor of the rezoning as she felt this development would enhance the community overall.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

#### *Quasi Judicial Item*

6.6. V 9-2-04, Forcier, 8007 SW 30 Street (R-3) (to reduce the side setback from 15 feet to 9 feet to allow for the construction of a solarium addition) *Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva summarized the planning report.

Mr. Forcier, the petitioner, stated that the units met hurricane standards.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

## 7. APPOINTMENTS

Councilmember Starkey requested that an item be placed as New Business on a future agenda regarding consolidating the Town’s advisory boards. Mayor Truex thought that some of the boards had sunsetted.

7.1. Airport Advisory Board (two exclusive appointments per Councilmember; terms expire December 2006)

Vice-Mayor Paul appointed Debbie Chandler. Councilmember Starkey appointed Stephanie Osborne. Mayor Truex appointed Jorge Egues and Melinda Hart. Councilmember Crowley appointed Hertz Halpern. Councilmember Hubert appointed David Oakes.

7.2. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

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- 7.3. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey appointed Dr. Jeff Jacobs.

- 7.4. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.5. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2006)

No appointment was made.

- 7.6. Senior Citizen Advisory Committee (one exclusive appointment – Councilmember Crowley; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

**8. OLD BUSINESS**

Councilmember Starkey spoke of the airport opposition partnership and stated that both the cities of Hollywood and Dania Beach had passed resolutions supporting the north runway. She felt this was a conflict of interest and did not think Council should support paying the consultants if the position taken was not in favor of the Town.

Councilmember Starkey made a motion, seconded by Mayor Truex, to reconsider the vote to approve payment of the consultants. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to table the issue to January 19, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Hubert asked Mayor Truex if he had held the meeting with the residents about the housing issue. Mayor Truex responded that he had not met with the residents.

**9. NEW BUSINESS**

- 9.1. Van Donation to PAL - Mayor Truex

Mayor Truex advised that he had spoken to Mr. Kovanes and Police Chief John George about the surplus vehicle. Chief George stated that the Town's Police Department had no use for the van.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

- 9.2. Clarification on Flamingo Estates Plat - Andre Parke

Mr. Kiar provided a historical background on the Imagination Farms annexation. He requested Council's authorization to file a "friendly lawsuit" with Mr. Laystrom's firm who was representing the property owner, to stipulate and acknowledge that this was part of the Town and subject to the Town's regulations. Mr. Laystrom was in agreement. No objection was noted from Council.

## **TOWN COUNCIL MINUTES**

### **JANUARY 5, 2005**

#### **9.3. Contingent Entry Plan for Potential Non-Represented Employees - Chris Kovanes**

Mr. Kovanes explained that this was a possible entry plan for employees if they voted against the union. He advised that the materials presented to Council were to assure employees that he was working on a plan and to bring various items forward that were being considered. Mr. Kovanes wanted to assure the employees that he would work to ensure they were well represented.

Councilmember Starkey spoke of the rumor mill and wanted employees to know that Council wanted the best for the employees, whether they were represented by a union or not. She felt that Council and Administration always worked toward the best interest of its workers. Councilmember Starkey thanked Mr. Kovanes for his efforts.

Councilmember Hubert asked if those employees not represented currently would lose their benefits. Mr. Kovanes advised that these employees would be governed by the current rules and regulations as non-represented employees were governed. He indicated that their benefits would be locked in their current state until a plan was solidified by Council with an entry date and answers for each specific item. Mr. Kovanes stated that he had accounted for these individuals and would work on instilling quality in the transition process.

Councilmember Crowley commended Mr. Kovanes for his professionalism in consulting on this matter and his concern in looking out for these employees. Councilmember Crowley voiced his opposition about the way non-represented employees were dragged into this issue. He felt this was not united as some non-represented employees did not want to be part of the union.

## **10. MAYOR/COUNCILMEMBER'S COMMENTS**

### **MAYOR TRUEX**

**REDISTRICTING.** Mayor Truex asked that staff look into re-districting based on the new population figures.

**TOWN ADMINISTRATOR SEARCH.** Mayor Truex asked that a workshop be scheduled to discuss the search for a new Town Administrator. He wanted to invite some executive search firms and workshop this further. Council agreed to schedule a workshop for February.

**WASTE PICK-UP.** Mayor Truex asked about the waste pick-up program. Tony Spadaccia, representing Waste Management, advised that the third phase would be implemented the following week. He indicated that 10,000 residents had been provided with carts and that completion would take place by the end of February.

Vice-Mayor Paul advised residents that if they lived on a dead end street with no turn-around for the trucks, they would have no pick-up. Mr. Spadaccia explained that in the area Vice-Mayor Paul referred to, the drivers were unable to lift some carts onto the older trucks because of the weight of the heavy carts. He advised that the company would put back in the automated truck originally scheduled for that route. Vice-Mayor Paul suggested that the drivers radio the company if there were problems rather than leaving it up to the residents to call.

### **COUNCILMEMBER STARKEY**

**AIRPORT.** Councilmember Starkey asked why the liaison to staff for the Airport Advisory Board kept changing. Mr. Leiva advised that the current liaison would remain until the new planner was trained and brought on board.

**NN MIDDLE SCHOOL.** Councilmember Starkey spoke of issues concerning NN Middle School. She asked that the Town's lobbyist, Vincent Grande be utilized to work on this matter. Vice-Mayor Paul spoke of her discussion with Mr. Rubinstein regarding the caveat on the school site at Imagination Farms and stated that it would revert back to agricultural zoning if a school was not built on the site.

**TOWN COUNCIL MINUTES  
JANUARY 5, 2005**

**CONTRACT.** Councilmember Starkey asked that the FOP contract be placed on the next Council meeting's agenda.

**VICE-MAYOR PAUL**

**OFFICER SELTZER.** Vice-Mayor Paul offered best wishes to Officer Seltzer.

**NEGOTIATIONS.** Vice-Mayor Paul spoke of the Executive Session to be held prior to the next Council meeting for FOP negotiations.

**ZONING IN PROGRESS.** Vice-Mayor Paul felt the Town's Code did not necessarily reflect the Council's mission. She requested that Council add a zoning in progress discussion to the next agenda so that the Code could reflect the Town's vision of preservation of open space.

**OPEN SPACE BOND.** Vice-Mayor Paul spoke of the open space bond as another possible topic for discussion at the next meeting.

**FIRE INSPECTIONS.** Vice-Mayor Paul asked that future discussion be held on fire inspections and their frequency.

**BASEBALL CLINICS.** Vice-Mayor Paul announced six free baseball clinics being given at Bamford Park.

**THANKS.** Vice-Mayor Paul thanked those who called her and offered help while she was ill.

**11. TOWN ADMINISTRATOR'S COMMENTS**

**SCHOOL MEETINGS.** Mr. Kovanes stated that a meeting would be held on January 12th at Cypress Bay High School and on January 26, 2005 at Western High School to discuss the school zone issues.

**HAPPY NEW YEAR.** Mr. Kovanes wished everyone Happy New Year.

**12. TOWN ATTORNEY'S COMMENTS**

**HAPPY NEW YEAR.** Mr. Kiar wished everyone Happy New Year.

**ZONING IN PROGRESS.** Mayor Truex requested that Mr. Kiar be ready to brief Council on legal criteria regarding the zoning in progress to be discussed at the next meeting.

**COUNCIL/EMPLOYEES.** Mayor Truex also asked that Mr. Kiar explain the Code ordinance regarding Town Council interaction with Town employees. Mr. Kiar read the relevant Code regarding "interference with administration".

Councilmember Starkey stated that to her understanding, the ordinance meant a Councilmember could ask staff for different information but could not make inquiries that would take unreasonable amounts of time and interfere with their duties.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:00 p.m.

Approved\_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk

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